

Title IV-E Federal Foster Care Reimbursement Program

E-2014-15 Biennium

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I. GRANT DESCRIPTION.

- A. The Title IV-E Federal Foster Care Reimbursement Program (Title IV-E Program) was established via an interagency agreement between the Texas Juvenile Justice Department (TJJD) and the Texas Department of Family and Protective Services (DFPS) to allow juvenile boards to recoup federal funds for providing services to eligible children and for administrative costs related to administering the Title IV-E Program. The funds to be distributed under the terms of this grant originate with the United States Department of Health and Human Services (DHHS) as the federal department administering the Catalog of Federal Domestic Assistance (CFDA) #93.658.

II. GRANT SPECIFIC DEFINITIONS.

- A. **Administrative Reimbursement.** Administrative reimbursements are reimbursements for the cost of administering the Title IV-E program. The costs must be reasonable, allowable, and properly allocated.
1. **Enhanced Administrative Reimbursement.** Reimbursement of expenditures for allowable Title IV-E activities performed by allowable staff for Title IV-E certified children and reasonable candidates for foster care. This reimbursement is based on a cost allocation plan, a time study methodology, reasonable candidacy determinations, and an eligibility rate.
 2. **Direct Administrative Reimbursement.** Reimbursement for salaries and other expenditures directly related to providing services to Title IV-E certified children.
- B. **Eligibility Determination Notice.** The form used by DFPS to notify juvenile probation departments, via TJJD, of the eligibility determination for children whose foster care assistance applications were submitted to DFPS.
- C. **DFPS Person Identification Number.** An eight-digit number assigned by DFPS to a child once they have been determined to be IV-E certified.
- D. **DFPS Budget for Purchase of Services.** Also referred to as the Budget Form 2030, this document is submitted by the Grantee at the start of each fiscal year of the biennium to estimate the total Title IV-E costs (i.e., administrative costs, foster care maintenance costs and supplemental child care costs) for which the Grantee will be seeking reimbursement.
- E. **Eligibility Rate.** The percentage of Title IV-E certified children placed in foster care. This rate is applied to administrative costs for reimbursement from the Title IV-E Program. This rate consists of the number of Title IV-E certified children for each month of the quarter divided by the number of children in foster care each month of the quarter.
- F. **Federal Medical Assistance Percentage (FMAP).** The percentage of a state's Medicaid expenditures, other than administrative and selected other items of cost, which the federal government will pay. The percentage varies by state in accordance with a statutory formula. This rate is applied to foster care maintenance reimbursements and changes each fiscal year.
- G. **Foster Care.** Foster care is defined in accordance with state and federal regulations to mean 24-hour supervised care for children who have been removed from their normal place of residence (i.e. the home of their parent, legal guardian, managing conservator, custodian, or relative) by an order of the juvenile court and placed in a foster care setting, and for whom the county has responsibility for care and placement. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made for the child's care or whether federal matching of any payments is made.
- H. **Foster Care Assistance Application.** An application completed and submitted by the juvenile probation department via the Title IV-E Program System (TPS) to determine eligibility of children for the Title IV-E Foster Care Program. The application is processed by TJJD and forwarded to DFPS for an eligibility determination.
- I. **Foster Care Maintenance Reimbursement.** Reimbursement for foster care placement costs incurred for Title IV-E certified children.

- J. **Foster Care Settings.** Foster care settings include foster family homes and non-secure residential facilities licensed by DFPS or other state licensing authority, and child care institutions operated by a governmental entity up to 25 beds approved by DFPS for foster care reimbursement and relative/kinship care (licensed or unlicensed).
- K. **General Grant Requirements.** Included in the Texas Juvenile Justice Department State Financial Assistance Contract and General Grant Requirements, 2014-2015 Biennium.

Examples of foster care settings may include, but are not limited to:

1. Emergency shelters
2. Residential treatment centers (RTCs)
3. Maternity homes
4. Halfway houses
5. Child placing agencies (CPAs)
6. Therapeutic camps
7. Basic child care facilities
8. Substance abuse treatment facilities
9. Non-secure county operated residential programs with no more than twenty-five beds
10. Foster family homes
11. Foster group homes
12. Therapeutic foster family homes
13. Therapeutic foster group homes
14. Kinship/Relative care

Examples of facilities that are not considered foster care may include but are not limited to:

1. Children are not considered to be in foster care if placed in secure facilities, hospitals, or public institutions with more than twenty-five beds.
 2. Psychiatric hospitals
 3. Boot camps
 4. Pre-adjudication detention centers
 5. Post adjudication secure facilities
 6. County operated residential programs with more than twenty-five beds
- L. **Juvenile Justice Services.** Juvenile justice services are services provided by or under the authority of the Grantee and provided by the juvenile probation department or other entity, including services contracted with third-party service providers, in response to a policy or directive instituted by the governing juvenile board or an order issued by a juvenile court and under the court's direction, including:
1. Protective services;

2. Prevention of delinquent conduct and conduct indicating a need for supervision;
 3. Diversion;
 4. Deferred prosecution;
 5. Foster care;
 6. Counseling;
 7. Supervision;
 8. Diagnostic, correctional and educational services; and
 9. Services provided by a juvenile probation department that are related to placement in and/or the operation of a non-secure residential program or a juvenile justice alternative education program.
- M. **Kinship/Relative Care.** The placement of a child into the home of a relative or other caregiver by an order of a juvenile court and for whom the department has responsibility for care and placement.
- N. **Level of Care.** A rating based on an assessment of the services a child will need while in foster care.
- O. **Level of Care Rate.** The per diem amount paid for a child's placement based on the child's level of care.
- P. **Reasonable Candidate.** A child on probation or court-ordered deferred prosecution who has been determined to be at imminent risk of removal from his/her home and placement into foster care, as documented in the case plan and/or case plan review. This determination must be based on current risk factors (within the previous 6 months and as defined by DFPS) that place the child at imminent risk of removal and placement into foster care.
- Q. **Supplemental Child Care Costs.** Allowable expenditures incurred by the Grantee for Title IV-E certified children for costs not covered by the placement per diem rate.
- R. **Time Study Methodology.** A methodology used by the Grantee to determine the percentage of staff time used to perform Title IV-E allowable activities. The two approved time study methodologies are Random Moment Sampling (RMS) and the Continuous Time Reporting System.
- S. **Title IV-E Approved Facilities.** Facilities licensed and/or approved by DFPS for Title IV-E participation.
- T. **Title IV-E Certified Child.** A child who has been determined by DFPS to have met all Title IV-E eligibility requirements, including placement in an approved Title IV-E facility.
- U. **Title IV-E Fiscal Coordinator.** An employee of the Grantee's juvenile probation department designated to act as the Grantee's primary liaison between TJJD and the Grantee and all private consultants, providers, auditors and any federal or state agencies regarding the Grantee's Title IV-E reimbursements or other fiscal issues. The Title IV-E Fiscal Coordinator must be an employee of the juvenile probation department.
- V. **Title IV-E Program Coordinator.** An employee of the Grantee's juvenile probation department designated to act as the Grantee's primary liaison between TJJD and the Grantee and all private consultants, providers, auditors and any federal or state agencies regarding Title IV-E programmatic issues. The Title IV-E Program Coordinator must be an employee of the juvenile probation department.
- III. **PERFORMANCE MEASURES.**
- A. **Goal.** The goal of the Title IV-E Federal Foster Care Reimbursement Program grant is to increase services to children in foster care, reasonable candidates for foster care, and their families.
- B. **Program Objectives.** The objective of the Title IV-E program is to strengthen foster care services and ensure that children's needs for safety, permanency and well-being are met.

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C **Program Performance.** Grantee performance under the grant shall be determined using the following measures:

1. Standards compliance program monitoring results for Title 37, Texas Administrative Code (TAC) Chapter 347;
2. Grant compliance monitoring results for Grant E, Title IV-E Foster Care Reimbursement Program.

IV. PROGRAMMATIC COMPONENTS.

A. **Programmatic Standards.** The Grantee shall maintain compliance with all programmatic standards as outlined in Title 37 Texas Administrative Code (TAC) Chapter 347. This includes requirements for the case plan and review system for Title IV-E certified children.

B. **Grant Requirements.** The Grantee shall maintain compliance with all grant requirements as outlined in Grant E – Title IV-E Federal Foster Care Reimbursement Program.

C. **Training.** The Grantee shall ensure that appropriate personnel attend all mandatory Title IV-E trainings provided by TJJD. Reimbursements may not be processed if appropriate staff have not attended and completed all mandatory Title IV-E trainings.

1. **Title IV-E Fiscal Coordinator Training.** The Title IV-E Fiscal Coordinator, or a designee, shall attend all mandatory training provided by TJJD.
2. **Title IV-E Program Coordinator Training.** The Title IV-E Program Coordinator, or a designee, shall attend all mandatory training provided by TJJD.
3. **Reasonable Candidate Training.** All staff whose duties include completing case plans for reasonable candidates shall receive annual candidacy training. This training shall be provided by TJJD, the Title IV-E Fiscal Coordinator (must have received the most recent training from TJJD), a designee approved by TJJD, or an approved consultant.
4. **Time Code Training.** All staff who will be participating in an approved time study shall receive time code training prior to participation in the study and annually thereafter. This training shall be provided by TJJD, the Title IV-E Fiscal Coordinator (must have received the most recent training from TJJD), a designee approved by TJJD, or an approved consultant.

D **Foster Care Assistance Application.** The Grantee shall complete and submit to TJJD a Foster Care Assistance Application within thirty calendar days of the child's initial date of placement.

E **Foster Care Maintenance Reimbursements.** The Grantee shall not claim foster care maintenance reimbursements until the receipt of the *Eligibility Determination Notice* from DFPS, via TJJD, indicating that the child is Title IV-E certified.

Request for Reimbursement. The Grantee shall submit claims for reimbursement, on a monthly basis and in a format specified by TJJD, no later than the 10th calendar day of each month following the reporting period. Requests received after this date may not be processed until the following month.

F **Supplemental Child Care Costs.** The Grantee shall submit the *Supplemental Child Care Costs* form [TJJD-IVE-100] to claim supplemental child care costs for Title IV-E certified children. This form shall be submitted within one quarter of the end of each federal fiscal quarter for which the Grantee is seeking reimbursement.

G **DFPS Budget for Purchase of Services – Enhanced Administrative Claims.** The Grantee shall submit to TJJD a *DFPS Budget for Purchase of Services* [TJJD-IVE-105], also referred to as Budget Form 2030, at the start of the fiscal year, with an estimate of the total costs (including administrative costs, foster care maintenance costs and supplemental child care costs) for which the Grantee will be seeking reimbursement. TJJD may not process Title IV-E reimbursements until this form is submitted and approved.

1. The Budget Form 2030 shall be submitted by the chief juvenile probation officer or an authorized designee.
2. All costs included shall be allowable and reasonable.

H Implementation Plan. – Enhanced Administrative Claims. The Grantee shall submit an implementation plan to TJJD for approval at the beginning of each fiscal year detailing the methodologies that the department will use in implementing the Title IV-E program. The Grantee shall follow the procedures and requirements adopted in the Grantee's Implementation Plan incorporated by reference herein. The Grantee shall follow any procedures or requirements added to the Implementation Plan by the Grantee's own initiative if approved by TJJD.

I Cost Allocation Plan and Indirect Cost Rate Proposal – Enhanced Administrative Claims. A Cost Allocation Plan (CAP) and Indirect Cost Rate Proposal must be submitted at the beginning of each fiscal year of the biennium. Title IV-E enhanced administrative reimbursements shall not be processed until this document has been received, reviewed and accepted. Any subsequent addendum or other proposed changes shall be submitted to TJJD for review.

1. **Cost Allocation Plan.** The CAP must be prepared in compliance with Code of Federal Regulations (CFR) Title 45, Section 1356.60 et. seq. and Code of Federal Regulations (CFR) Title 2 Section 225. The CAP shall include:
 - a. An organizational chart of the Grantee's juvenile probation department showing the structure of each division whose costs will be claimed for reimbursement under the Title IV-E Program;
 - b. A list of all federal and non-federal programs performed, operated, administered or serviced by each division of the Grantee's juvenile probation department;
 - c. A description of the activities performed by each division of the Grantee's juvenile probation department and the applicability to the Title IV-E Program;
 - d. The estimated cost increase or decrease resulting from proposed changes to the Grantee's previous fiscal year's CAP;
 - e. A certification by a duly authorized official no lower than the chief financial officer of the governmental unit that the plan:
 - i. Was prepared in accordance with 2 CFR Section 225;
 - ii. Provides an identification of the unit rendering the service and the operating agencies receiving the service;
 - iii. Includes the items of expense included in the cost of the service;
 - iv. Designates the method used to distribute the cost of the service to benefited agencies; and
 - v. Contains a summary schedule showing the allocation of each service to the specific agencies supported by the last audited comprehensive annual financial report. The comprehensive annual financial report shall be made available for review upon request by TJJD.
2. **Indirect Cost Rate Proposal.** An accurate county-certified Indirect Cost Rate Proposal must be based on the information contained in the Grantee's CAP and in accordance with 2 CFR Section 225 and 45 CFR Section 1356.60 et. seq. If the Grantee does not wish to claim indirect costs, the Grantee shall submit a letter, signed by the chief juvenile probation officer attesting to this fact. The Grantee shall not be eligible to receive Title IV-E enhanced administrative reimbursements until its Indirect Cost Rate Proposal has been reviewed and accepted by TJJD or documentation of a decision not to claim these costs has been received. The Grantee shall include in its Indirect Cost Rate Proposal the following documentation:

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- a. Any worksheets and other relevant data, cross-referenced and reconciled that is used by the Grantee to establish the indirect cost rate;
 - b. The approximate amount of direct-based costs, as direct-based costs are defined by 2 CFR Section 225; and
 - c. A certification by a duly authorized official at a level no lower than chief financial officer of the governmental unit that submits the proposal that the plan has been prepared in accordance with 2 CFR Section 225 and 45 CFR Section 1356.60 et. seq.
- J Memorandum of Understanding (MOU).** All departments entering into a consortium with other departments to share eligibility rates and time study results must sign and submit to TJJD a memorandum of understanding outlining the terms of the agreement. Departments wishing to join a consortium mid-fiscal year must submit a letter in writing with this request. Title IV-E enhanced administrative claims shall not be processed until TJJD's receipt of all signed MOUs (or revised MOUs) from the departments included in the consortium.
- K Title IV-E Enhanced Administrative Claim.** The Grantee shall submit an approved Title IV-E enhanced administrative claim form within one quarter of the end of each federal fiscal quarter for which the Grantee is seeking reimbursement. Claims not received within seven quarters of the quarter for which the Grantee is seeking reimbursement shall not be paid. If the Grantee is seeking reimbursement for reasonable candidates, claims not received within four quarters of the quarter for which the Grantee is seeking reimbursement may not be paid. The Grantee shall include in its Title IV-E enhanced administrative claim the following documentation:
1. **Indirect Cost Rate.** The Title IV-E enhanced administrative claim shall include the indirect cost rate as documented in the Cost Allocation Plan.
 2. **Eligibility Rate for Title IV-E Certified Children.** The Title IV-E enhanced administrative claim calculates an eligibility rate using the information provided by the Grantee. The Grantee shall include the following information on the claim to ensure that the eligibility rate is calculated correctly:
 - a. The Grantee shall ensure that the correct number of Title IV-E certified children (determined by DFPS) is included on the claim for each month of the quarter;
 - b. The Grantee shall document on the claim all children in foster care for each month of the quarter, with the name of the placement and dates of placement for each child listed.
 3. **Eligibility Rate for Reasonable Candidates.** The Grantee shall include in the Title IV-E enhanced administrative claim the number of reasonable candidates and non-candidates per quarter. The resulting rate is reported by TJJD to DFPS.
 4. **Time Study Methodology.** The Grantee shall use the approved time study methodology included in the *Implementation Plan* and approved by TJJD. If the department is using time sheets, the Title IV-E Fiscal (or Program) Coordinator shall review and approve the time sheets for all staff participating in the time study. The results of the time study shall be accurately documented on the Title IV-E enhanced administrative claim. If the Grantee is seeking reimbursement for reasonable candidates, the Grantee shall include all time study documentation with its Title IV-E enhanced administrative claim.
 5. **Administrative Costs.** The Grantee shall ensure that all costs documented on the Title IV-E enhanced administrative claim are reasonable, allowable and properly allocated and that sufficient documentation is available to substantiate all costs.
- L Reasonable Candidate Determination.** The Grantee shall document reasonable candidate determinations in the *Child/Family Case Plan (Field Supervision)* [TJJD-IVE-155] and the *Review of Child/Family Case Plan (Field Supervision)* [TJJD-IVE-160]. Reasonable candidates are children on court-ordered probation or court-ordered deferred prosecution determined to be at imminent risk of removal from the home and placement into foster care. The Grantee shall document on the case plan and reviews the source of documentation used to support a reasonable candidate determination. The *Foster Care Risk Assessment* [TJJD-IVE-115] shall be completed prior to completing each case plan and review. The risk assessment

cannot be the sole source of documentation. Social history reports, psychological reports, and other case plan documentation may be used to support the reasonable candidate determination. Additional requirements for documenting reasonable candidacy are found below in Sections M and N.

- M Field Supervision Case Plans.** The Grantee shall ensure that field supervision case plans meet the following requirements:
1. **Reasonable Candidates.** For a child to be considered a reasonable candidate for foster care, the case plan shall document the following:
 - a. The tool or documentation used, in addition to the risk assessment, to determine if the child is a candidate for foster care;
 - b. That the child is at imminent risk of removal from the home and placement into foster care absent preventative, pre-placement intervention services;
 - c. The specific circumstances which place the child at imminent risk of removal and placement into foster care (the circumstances must be based on parental behaviors or actions, or lack of action, which places the child at risk of harm);
 - d. Goals to address the risk factors that place the child at imminent risk of removal and placement into foster care; and
 - e. The date the determination of candidacy was made.
 2. **Non-Candidates.** The case plan shall document that a child is not a reasonable candidate and the date the determination was made.
 3. **Additional Requirements.** All case plans shall:
 - a. Be completed within thirty calendar days from the child's disposition, using the *Child/Family Case Plan (Field Supervision)* form [TJJD-IVE-115]. The date of completion will be documented by the date of the juvenile probation officer's signature;
 - b. Contain written documentation acknowledging the plan was developed with input from the child, parent or custodian, and supervising juvenile probation officer;
 - c. Document identified needs of the child and family;
 - d. Contain goals, and interventions to address identified needs of the child and family;
 - e. Document the plan of contact which must include at a minimum, monthly contact with both the child and family;
 - f. Be signed and dated by the child, parent or custodian, juvenile probation officer and supervisor. If any party refuses to sign or is unable to sign the case plan an explanation must be provided; and
 - g. Document that the child and family were provided a copy of the case plan.
- N Field Supervision Case Plan Reviews.** The Grantee shall ensure that field supervision case plan reviews meet the following requirements:
1. **Reasonable Candidates.** For a child to be considered a reasonable candidate for foster care, the case plan review shall document the following:
 - a. The tool or documentation used, in addition to the risk assessment, to determine if the child is currently a candidate for foster care;
 - b. That the child is currently at imminent risk of removal from the home and placement into foster care absent preventative, pre-placement intervention services;

- c. The circumstances which currently place the child at imminent risk of removal and placement into foster care (the circumstances must be based on parental behaviors or actions, or lack of action, which places the child at risk of harm);
 - d. A review of the goals contained in the case plan or previous case plan review to address the risk factors that place the child at imminent risk of removal and placement into foster care;
 - e. The date the determination of candidacy was made.
2. **Non-Candidates.** The case plan review shall document that a child is not a reasonable candidate and the date the determination was made.
3. **Additional Requirements.** All case plan reviews shall:
- a. Be reviewed six months from the date of disposition and every six months thereafter and when circumstances in the home change, using the *Review of Child/Family Case Plan (Field Supervision)* form [TJJD-IVE-160].
 - b. Contain written documentation acknowledging the case plan review was developed with input from the child, parent or custodian, and supervising juvenile probation officer;
 - c. Update the plan of contact which must include, at a minimum, monthly contact with both the child and family;
 - d. Discuss the extent of progress made by the child and family in achieving the goals identified in the previous case plan or case plan review;
 - e. Document newly identified needs, goals, and interventions for the child and family as appropriate;
 - e. Be signed and dated by the child, parent or custodian, juvenile probation officer and supervisor. If any party refuses to sign or is unable to sign the case plan review an explanation must be provided;
 - f. Document that the child and family were provided a copy of the case plan review; and
 - g. Be completed no later than thirty calendar days from the date of a court order modifying the terms and conditions of probation.
- O **Level of Supervision.**
- 1. The juvenile probation department shall adopt written criteria to determine the child's level of supervision, and the frequency and method of contact while under field supervision.
 - 2. A minimum of one face-to-face contact per month shall be mandatory.
- P **Interim Supervision Case Plans.**
- 1. The initial case plan shall be completed by the county with original jurisdiction over the child (i.e., sending county) in accordance with Section IV (M), Field Supervision Case Plans.
 - 2. If the sending county fails to provide an initial case plan, the receiving county shall complete an initial case plan no later than thirty calendar days from the first face-to-face contact with the child and family.
- Q **Interim Supervision Case Plan Reviews.**
- 1. If the sending county has completed the initial case plan, the receiving county shall complete a case plan review no later than thirty calendar days from the first face-to-face contact with the child and family.
 - 2. The case plan shall be reviewed six months from the child's first face-to-face contact with the child and family and every six months thereafter and shall contain all required elements outlined in Section IV (N), Field Supervision Case Plan Reviews.
- R **Post-Placement Case Plan Requirements.**

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1. An initial field supervision case plan shall be developed for all children released from a residential placement facility within thirty calendar days of their release and shall contain all elements outlined in Section IV (M).
2. Case plans shall be reviewed periodically but no less than once every six months from the date of release from placement and shall contain all elements outlined in Section IV (N).

- S Direct Administrative Reimbursements.** The Grantee shall submit a Title IV-E direct administrative claim within one quarter of the end of each federal fiscal quarter for which the Grantee is seeking reimbursement. Claims not received within seven quarters of the quarter in which the Grantee is seeking reimbursement shall not be paid. The Grantee shall ensure that all costs included in the Title IV-E direct administrative claim are reasonable, allowable and properly allocated and that sufficient documentation is available to substantiate all costs.
- T Reimbursable Costs.** The Grantee may request reimbursement for services that include foster care maintenance expenses, training expenses that are directly related to allowable Title IV-E activities and for administrative and other expenses necessary for the administration of the Title IV-E Program. The Grantee shall ensure that any flat fees charged for reimbursement under the Title IV-E Program shall be reasonable and based upon a cost or price analysis documented in the Grantee's procurement files in accordance with 45 CFR Section 74.46. All claims under this grant shall only be made for expenditures made or incurred during the term of this grant. The Grantee shall be reimbursed only for allowable costs.
- U Non-Reimbursable Costs.** The Grantee is not eligible to claim reimbursements if the basis of the claim has funding from any other federal source. In addition, the Grantee shall not request reimbursement for the following unallowable costs:
1. Any unallowable costs in 2 CFR Section 225;;
 2. Any unallowable costs in 45 CFR Section 1356.60;
 3. Any unallowable costs in Title 40 TAC Chapter 732;
 4. Social service costs;
 5. Medical expenses, including physical and mental examinations;
 6. Medications;
 7. Counseling;
 8. Testing/evaluation, including substance abuse testing;
 9. Homemaker or housekeeping services;
 10. Education expenses;
 11. Electronic monitoring costs;
 12. Detention costs or any associated costs;
 13. Cost of secure placement or any associated costs;
 14. Contingency fees; and
 15. Recreational expenses.
- V Unallowable Reimbursements.** The Grantee shall repay TJJJ all funds paid to the Grantee for ineligible

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administrative and foster care maintenance claims retroactive to the earliest date of ineligibility. The Grantee shall notify TJJD immediately when it is discovered a child has become ineligible for Title IV-E funding. In the event the Grantee shall repay funds, TJJD may exercise the following options:

1. TJJD may deduct the amount of federal recoupment from the next scheduled Title IV-E payment from TJJD to the Grantee;
2. If the next scheduled payment is insufficient to satisfy the federal recoupment, the Grantee shall pay TJJD the required amount within forty-five calendar days of the date of written notice from TJJD; or
3. If the Grantee fails to reimburse TJJD for ineligible claims as detailed above, TJJD may withhold funds from any or all state grant programs funded by TJJD in which the Grantee participates until the arrearage is paid.

W Records Retention. The Grantee shall maintain sufficient financial and program documentation to verify the basis of all claims that are submitted for reimbursement under this grant and to verify compliance with all state and federal program requirements. Sufficient financial documentation shall be maintained to substantiate that all expenditures are allowable, reasonable and properly allocated. Records and documents pursuant to this grant shall be retained and made available upon request for review for a minimum of five years after the end of the federal fiscal year in which the services were provided. If any litigation, claim or audit involving these records begins before the five year period expires, the Grantee will keep the records and documents for not less than 5 years and until all litigation, claims, or audit findings are resolved by a final order or by written agreement.

X Official Communications/Assistance. The Grantee shall forward all inquiries, comments and correspondence regarding the Title IV-E Program directly to TJJD and to no other persons, entities, state or federal agencies. If the Grantee utilizes any private vendors to perform services related to submitting Title IV-E maintenance and administrative claims, all official communications with TJJD, both formal and informal, shall be initiated by either the Title IV-E Fiscal Coordinator or the Title IV-E Program Coordinator. The coordinators shall also act as the Grantee's primary representative in any meetings related to Title IV-E programmatic/fiscal issues and provide assistance as needed to TJJD staff related to program or fiscal monitoring by any federal or state governmental entity or its designee.

Y Privatization and Subcontracts for Title IV-E Administration. All subcontracts entered into by the Grantee or the Grantee's county shall be in writing stating that all subcontractors shall be subject to the General Grant Requirements and/or requirements specified herein as well as applicable TJJD standards. The Grantee shall accept financial responsibility for the performance, nonperformance, errors and omissions of a subcontractor who entered into a contract for the provision of Title IV-E Federal Foster Care Program management.

Z Certifications. The Grantee shall comply with the provisions of the certifications enumerated below and shall require compliance by all sub recipients of federal funds under this grant or include the language of these certifications in the award documents for all sub awards at all tiers, including subcontracts, sub grants and contracts under grants, loans and cooperative agreements.

1. **Certification Regarding Lobbying.** State and federal law place restrictions on the use of state and federal funds in regard to lobbying. The Grantee certifies, to the best of its knowledge and belief that
 - a. In accordance with 31 U.S.C. §1352, no federal appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
 - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in

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- connection with this federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions;
- c. The Grantee will require that the language of this certification be included in the award documents for subcontracts and that all subcontractors will certify and disclose accordingly; and
 - d. Payments of appropriated or other funds to Grantee under any resulting agreement are not prohibited by Texas Government Code §556.005 or §556.008.
2. **Certification Regarding Suspension, Ineligibility and Voluntary Exclusion.** In accordance with Executive Orders 12549, 13224 and 12689 regarding federal regulations on debarment, suspension, ineligibility, and voluntary exclusion, the Grantee certifies the following:
- a. That Grantee is, to the best of its knowledge and belief, not on the specially designated nationals list or debarred, suspended, declared ineligible, or voluntarily excluded from participation in this solicitation or any resulting contract;
 - b. That Grantee will not knowingly enter into any subcontract with a person who is on the specially designated nationals list or debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by TJJJ or the U.S. Department of Health and Human Services or U.S. Treasury Department, as applicable; and
 - c. That Grantee will include this Section regarding debarment, suspension, ineligibility, and voluntary exclusion, and the specially designated nationals list without modification in any subcontracts or solicitations for subcontracts.
3. **Drug-Free Workplace Certification.** Grantee certifies that it will or will continue to provide a drug-free workplace by:
- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free-awareness program to inform employees about:
 - h. The dangers of drug abuse in the workplace;
 - ii. The Grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by Sub-Section (3)(a);
 - d. Notifying the employee in the statement required by Sub-Section (3)(a) that, as a condition of employment under the grant, the employee will
 - i. Abide by the terms of the statement; and
 - ii. Notify the Grantee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying TJJJ in writing, within ten calendar days after receiving notice under Sub-Section (3)(d)(ii) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices. Notice will include the identification number(s) of each affected grant;

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- f. Taking one of the following actions, within 30 calendar days of receiving notice under Sub-Section (3)(d)(ii), with respect to any employee who is so convicted:
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency;
 - iii. Making a good faith effort to continue to maintain a drug-free workplace

V. PROGRAMMATIC REPORTING.A. **Annual Reports.** None.B. **Quarterly Reports.** None.C. **Monthly Reports.**

- 1. Grantee shall submit the Periodic Case Review Monthly Summary report to TJJD no later than the 10th calendar day of the month for all administrative reviews conducted during the previous month.

D. **Other Periodic Reports.**

- 1. **Placement Information Discharge.** The Grantee shall submit the Placement Information Discharge form when any change occurs regarding a Title IV-E certified child's eligibility status, level of care rate or location within five calendar days of the change.
- 2. **Foster Care Assistance Review.** The grantee shall submit the Foster Care Assistance Review (FCAR) and the Permanency Hearing Order for any IV-E certified child twelve months from the initial date of placement and every twelve months thereafter. The FCAR shall be submitted to TJJD by the 20th of the month in which it is due. If the child is discharged during the 12th month, a permanency hearing (and FCAR) is not required.

VI. PROGRAMMATIC MONITORING.A. **On-Site Monitoring Visits.** See General Grant Requirements.B. **Unannounced On-Site Monitoring Visits.** See General Grant Requirements.C. **Desk Audits.** See General Grant Requirements.

VII. APPLICABLE LAW, POLICY AND PROCEDURE. The Grantee shall comply with the following applicable state laws, federal laws, standards, policies and procedures as they currently exist or as amended, revised or enacted during the term of this grant:

A. **Applicable Standards.**

- 1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections.**
 - a. Chapter 341 – Texas Juvenile Justice Department.
 - b. Chapter 344 – Employment, Certification and Training for Juvenile Officers.
 - c. Chapter 345 – Code of Ethics.
 - d. Chapter 347 – Title IV-E Federal Foster Care Program.
 - e. Chapter 349 – General Administrative Standards.

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- f. Chapter 350 – Investigating Abuse, Neglect, Exploitation, Death and Serious Incidents by the Texas Juvenile Justice Department.
 - g. Chapter 358 – Identifying, Reporting and Investigating Abuse, Neglect, Exploitation, Death and Serious Incidents in Departments, Programs and Facilities.
 - 2. **Texas Administrative Code (TAC) Title 40, Part 19 Department of Family and Protective Services.**
 - a. Chapter 732, Sections 732.240-256 – Contracted Services.
- B. General Statutes.** See General Grant Requirements.
- 1. **Federal Law.**
 - a. Code of Federal Regulations (CFR) Title 45 – Public Welfare, *as amended*.
 - a. Title 45 Code of Federal Regulations Section 1356.60 –Requirements Applicable to Title IV-E.
 - b. Code of Federal Regulations (CFR) Title 2 - Office of Management and Budget.
 - i. Title 2 Code of Federal Regulations Section 225 - Cost Principles for State, Local and Indian Tribal Governments.
 - c. Office of Management and Budget (OMB) Circular A-102, *as amended*.
 - i. Office of Management and Budget (OMB) Circular A-102 – Grants and Cooperative Agreements with State and Local Governments.
 - d. Office of Management and Budget (OMB) Circular A-133, *as amended*.
 - i. Office of Management and Budget (OMB) Circular A-133 – Audits of States. Local Governments and Non-Profit Organizations.
 - e. Social Security Act of 1935, *as amended*.
 - i. Title 42 United States Code 670 et. seq. – Social Security Act, Title IV-E.
 - 2. **State Law.**
 - a. Texas General Appropriations Act.
 - b. Texas Government Code, Title 7, Uniform Grant and Contract Management.
 - i. Chapter 783 - Uniform Grant and Contract Management Act.
- C. Policy and Procedure.**
- 1. State of Texas Governmental Title IV-B and PAL (Title IV-B and IV-E) Purchased Services Contract.

VIII. FINANCIAL COMPONENTS.

- A. **Allowable Expenditure of Funds.** The Grantee shall expend all funds received under this grant for allowable expenditures as they are detailed herein.
 - 1. The Grantee shall use any and all financial reimbursement received through the Title IV-E Program under this grant for juvenile justice services.
 - 2. The Grantee may expend grant funds for the purchase of equipment, renovation or construction with

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prior authorization by TJJD. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than one year and a cost of more than \$5,000.00.

B. Unallowable Expenditure of Funds.

1. The Grantee shall not expend, obligate or utilize Title IV-E funds for any purpose other than those authorized in Section VIII (A) above.
2. The Grantee shall not use reimbursement funds received through this grant for placement of children in secure pre-adjudication detention facilities, short-term detention facilities (i.e., holdover) or secure post-adjudication correctional facilities or any related costs.
3. The Grantee shall not expend more than fifteen percent (15%) of any federal funds received pursuant to the Title IV-E Program for any flat or contingency fees paid to private service providers for Title IV-E administrative claiming.

C. Financial Match Requirements. None.**D. Funding Adjustments.**

1. **Reduction of Grant Payments.** None
2. **Unexpended Balances.** None.
3. **Overpayments.** See General Grant Requirements.
4. **Refunds Due.** See General Grant Requirements.

D. Timely Expenditure of Grant Funds. None.**E. Audits.** See Also General Grant Requirements.

1. The Grantee shall be responsible for determining applicability and ensuring compliance with the Single Audit Act of 1984, Public Law 98-502, and as amended by the Single Audit Act Amendments of 1996, Public Law 104-156 as it relates to reimbursements received under this grant. The Grantee shall have a Single Audit performed if applicable and retain copies for future review by federal and state officials. Per OMB Circular A-133, Section 320(e), the Grantee shall submit one copy of the reporting package, when *Schedule of Findings and Questioned Costs* discloses an audit finding relating to Title IV-E funding.

F. Financial Assurances. See Also General Grant Requirements.

1. The receipt and expenditure of Title IV-E federal reimbursements received by the Grantee pursuant to this grant are accounted for separately and expended according to the grant requirements.
2. Prior written authorization from TJJD is received for the purchase of equipment, renovation or construction. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than one year and a cost of more than \$5,000.00.
3. No more than fifteen percent (15%) of any federal funds received pursuant to the Title IV-E Program are used for any flat or contingency fees paid to private service providers for administrative claiming.
4. Grantee did not use reimbursement funds received through this grant for secure placement or detention or any related costs.
5. Idle funds are invested in an account that provides a reasonable interest rate and provides necessary protection of principal. Interest generated as a result of Title IV-E funds deposited from TJJD is credited to the account for enhancing juvenile justice services.
6. Salary expenses reported on Title IV-E administrative reimbursement claims do not include travel

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allowances or emoluments.

7. Title IV-E-specific training and general training costs reported on Title IV-E administrative claims are an accurate representation of costs.
8. Direct and indirect costs reported on Title IV-E administrative claims are an accurate representation of allowable expenses incurred on behalf of the Title IV-E Program.
9. Any and all findings related to the Title IV-E Program noted in the annual Single Audit for the Grantee, if applicable, are disclosed in the Schedule of Findings and Questioned Costs in the Grantee's Annual Independent Audit and a reporting package is submitted to TJJD as prescribed by OMB A-133.
10. The Grantee's policies on compensatory time and overtime pay are consistently applied to employees of the Grantee's juvenile probation department for all state and federal programs.

H. **Service Provider.** See General Grant Requirements.

IX. FINANCIAL REPORTING.

A. Annual Reports.

1. **Designation of Key Personnel.** The Grantee shall designate a Title IV-E Program Coordinator and a Title IV-E Fiscal Coordinator through the Juvenile Probation Directory on TJJD's website.

B. **Quarterly Reports.** None.

C. **Monthly Reports.** None.

D. **Other Periodic Reports.** None.

X. FINANCIAL MONITORING.

A. **On-Site Monitoring Visits.** See General Grant Requirements.

B. **Unannounced On-Site Monitoring Visits.** See General Grant Requirements.

C. **Desk Audits.** See General Grant Requirements.